

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 0:24-cv-61334-LEIBOWITZ

**INTRA MANAGEMENT
SOLUTIONS, INC.,**

Plaintiff,

v.

ERIC SCHNAIRSOHN,

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion to Compel Deposition Dates of Defendant (the "Motion") [ECF No. 48], filed on September 4, 2024. This Court previously granted Defendant's Motion for Expedited Discovery and determined "that the Plaintiff and Defendant are each entitled to one deposition per side, to occur no later than Monday September 9, 2024." [ECF No. 42 at 2]. Defendant responded to Plaintiff's Motion, claiming that Defendant's counsel "was being very reasonable" and that the "Defendant is entitled to get this deposition [of Matt Wojciechowski] scheduled first, given he was the only one who actually sought discovery[.]" [ECF No. 49 at 2-3]. Defendant additionally asked this Court to compel the deposition of Matt Wojciechowski. [*Id.* at 3]. The Court entered the Order granting expedited discovery to allow reciprocal depositions such that both the Plaintiff and the Defendant had the opportunity to prepare for the September 11, 2024, hearing and to aid this Court in deciding whether to grant a preliminary injunction.

A "motion to compel discovery is committed to the discretion of the trial court[.]" *Com. Union Ins. Co. v. Westrope*, 730 F.2d 729, 731 (11th Cir. 1984). This Court's previous Order

granting expedited discovery was entered to provide both sides an opportunity to depose possible key witnesses at the evidentiary hearing on a preliminary injunction. Thus, there is a strong reason to ensure that both the Plaintiff and the Defendant have the opportunity to engage in depositions. Therefore, the Court will GRANT Plaintiff's Motion.

Additionally, this Court would like to emphasize that its Order granting expedited discovery was entered to provide balance to both sides – neither party is more entitled to a deposition than the other side. This Court expects that both sides will confer collegially and in good faith to ensure that the ordered depositions occur in a timely manner. If any witness is not made available before Monday, September 9, 2024, for a deposition, despite opposing counsel's best efforts, this Court will hear any motion for sanctions.

For the reasons stated above, it is **ORDERED AND ADJUDGED** that the Motion [ECF No. 48] is **GRANTED**. Defendant must provide Plaintiff with a list of dates and times on which he is available for a deposition as soon as practicable.

DONE AND ORDERED in the Southern District of Florida on September 4, 2024.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record